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IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS
NO. 91-L-734

CHARLES KUEPER and PATRICIA KUEPER, Individually, and PATRICIA KUEPER, as Mother and Next Friend of JEFFREY KUEPER,	)	
Plaintiffs,	)	DISCOVERY DEPOSITION OF:
vs.	)	FRANCES V. CREIGHTON
R.J.R., INC., R. J. REYNOLDS TOBACCO CO., and REESE DRUGS, INC.,	)	
Defendants.	)	

- -

The discovery deposition of FRANCES V. CREIGHTON was taken in Meeting Room 542 of the Marriott Hotel, #1 Marriott Drive, Piedmont Triad International Airport, Greensboro, North Carolina, commencing at 9:Ø5 a.m. on Thursday, November 21, 1991.

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STIPULATIONS

This discovery deposition is being taken pursuant to the Rules of the Supreme Court of the State of Illinois.

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WHEREUPON,

FRANCES V. CREIGHTON

first being duly sworn, testified as follows:

EXAMINATION BY MR. COOK

Q (By Mr. Cook) Would you state your name and address please, ma'am?

A Frances Virginia Creighton, [DELETED]

Q You know, I was almost going to bet that your name was Mary Frances and it's not.

A It's not.

Q Down south I guess that's--where are you employed, Ms. Creighton?

A At R. J. Reynolds Tobacco.

Q Are you a married lady?

A Yes.

Q What is your husband's name?

A Marvin Coats.

Q Where is Mr. Coats employed?

A He's self-employed; he's an artist.

Q Is he?

A Uh-huh.

Q What type of art work does he do?

A He's a sculptor.

Q Is he really?

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A Uh-huh.

Q How many children do you have?

A None.

Q From what university did you get your bachelor's degree?

A Marshall University, Huntington, West Virginia.

Q The Marshall Wildcats?

A No.

MR. ~~ORIST~~ Kaczynski And that was not even the one I was warning you about.

THE WITNESS: I'm not even strong enough.

Q (By Mr. Cook) Oh, well--

A The Thundering Herd.

Q You know, that was my next guess--the Thundering Herd. What year did you obtain your bachelor's degree?

A 1973.

Q What was your major field of study?

A I was a major in French and math.

Q Do you have any postgraduate degrees?

A I have a master's degree in French language and literature and a master's degree in business administration.

Q From what university or universities do you have those?

A The University of Tennessee for the master's in French.

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Q The Volunteers?

A Yes, and the University of North Carolina here in Greensboro for my master's in business.

Q The Tar Heels or not?

A I don't know--don't know.

Q You don't know?

A Uh-uh.

Q What year did you receive your various master's degrees?

A I got my master's in French in 1976 and my master's in business in 1981.

Q How long have you worked for Reynolds?

A Since 1981.

Q And did I ask you how old you are?

A No, you didn't.

Q Okay, I won't.

A Oh, how nice.

Q You're thirty-seven?

A Thank you.

Q Aren't you?

A Close.

Q Did you have any employment between obtaining your bachelor's degree from Marshall and starting at Reynolds?

A Yes.

Q Where did you work?

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A I worked for five years as an instructor of French here at Wake Forest University.

Q Now I should know that--Deacons.

Q (By Mr. Cook) We send a lot of golfers down here to Wake Forest. Jay Haas lives down here; doesn't he? What was your first job with RJR or Reynolds whichever company you worked for?

A Yes, I worked--I was hired by R. J. Reynolds Tobacco International in Marketing Research, spent two years in an orientation program there and then moved to the Domestic Company at the end of that two years, and I've been with RJR Domestic ever since.

Q You've not worked with your French Connection?

A Not since '81.

Q Not since '81--what is your understanding of the progression of the Tobacco Company as you know it from a corporate standpoint? It was an independent corporation when you started and now I understand it is a subsidiary of RJR Nabisco; do you understand that too?

A ~~Uh-huh~~. It was a subsidiary of R.J. Reynolds Industries, Inc. when I started.

Q Are there any other companies, Reynolds companies, associated with tobacco that you're aware of that exist now; is there a Reynolds International or is there a Reynolds Sales Company?

A There is a Reynolds International Company and the

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Domestic Tobacco Company.

Q Those are the two?

A Uh-huh.

Q What do you do for Reynolds now?

A I am Senior Marketing Manager for the Winston brand.

Q Do you smoke?

A Yes.

Q Winstons?

A Salems.

Q Oh, you prefer menthol?

A I prefer menthol.

Q How long have you smoked?

A Since the age of about twenty.

Q You were at Marshall when you were a Thundering Herd--

A That's right.

Q --when you started smoking--when did you first experiment with cigarettes; do you recall when you had your first one?

A In college at about the age of twenty.

Q Do you try to market Winstons now to colleges?

A No, we don't.

Q Why not?

A Because we follow the advertising code which says that we do not market our cigarettes or advertise our

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cigarettes on college campuses.

Q Is there a reason for that that is readily discernible to you?

A I wasn't there when they developed the advertising code; that was before my time.

Q I assume that as the Marketing Manager for Winston cigarettes that you want to sell as many Winston cigarettes as possible?

A I want to see our market share increase.

Q If I understand your market share or what that means is that the more you sell, the bigger your shares?

A The more people who smoke our brands, the more we sell.

Q There are a lot of people in college?

A Uh-huh.

Q Marlboro I guess doesn't sell or promote cigarettes in universities either?

A I would assume not.

Q Well, this seems to me like it would be a ready market for you, that if you rushed in with a Winston advertisement and maybe a helmet with a Thundering Herd painted on it that you could go to Marshall and perhaps attract some people who smoke other cigarettes to smoke Winstons; is that reasonable? I know you can't do it because of the advertising code--

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A Uh-huh.

Q --but if it weren't for the code, what I'm suggesting is that this might be a fertile market?

A Well, it's our policy at R. J. Reynolds to market our cigarettes to adults eighteen and over and so, therefore, it would be inappropriate for us to be marketing our cigarettes--

Q In colleges?

A --in colleges.

Q And, of course, most people in college are under eighteen?

A Well, we--as you said the advertising code says that we do not advertise our cigarettes on college campuses. We do not advertise our cigarettes in publications whose readership is primarily students ~~to people who are~~ under the age of twenty-one and so the majority of college campuses are under the age of twenty-one.

Q Is there some reason why you don't advertise them to people under twenty-one, Ms. Creighton?

A It is--we are in an industry that's highly criticized and basically, it wouldn't be in our best interest to increase that criticism so we follow the advertising code.

Q Do you think that there is anything ethically or morally wrong with promoting sales to college students?

A If an individual is eighteen or older and has made the decision to smoke cigarettes, then I don't believe it's

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morally or ethically wrong to market cigarettes to that individual.

Q So in other words as far as you're concerned, the college limitation is not an ethical or moral responsibility; it's just something that the industry has decided to do, and you don't disagree with it. I assume that you're not completely aware of what their reasons for it are but if one of your opponents marketed to Brandeis University, you wouldn't think it was fair if you didn't too?

MR. KACZYNSKI: Object to the form; that was a long one.

MR. COOK: Yes, it was. Really it was only the end of it that was important.

THE WITNESS: Would you repeat the question?

MR. COOK: No, I won't.

Q (By Mr. Cook) Do you think that there is something ethically or morally wrong with marketing cigarettes to teenagers?

A It's our policy not to market cigarettes to FVC ~~teenagers~~ anyone under 18.

Q I understand that.

A Uh-huh.

Q That is, of course, not what I asked you. I asked you, do you, Fran Clayton--Creighton, I'm sorry--

A Uh-huh.

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Q --think there is something ethically wrong or would be something ethically wrong if you marketed cigarettes or tried to sell them to people under the age of eighteen?

A My personal opinion, I believe a person should make the decision to smoke once they are eighteen or over, and I would prefer to see them make that decision at that time.

Q So then you do think that there would be something wrong with marketing them to people under the age of eighteen?

A I would not market cigarettes to anyone under the age of eighteen.

Q I, of course, didn't ask you that; I asked you do you think there's something wrong, ethically or morally wrong, with marketing cigarettes to people under eighteen?

A I guess I could say that for my own personal ethics, I would not think it would be right for me to market cigarettes to somebody under the age of eighteen.

Q Because they aren't the age of legal consent; are they in most states anyway?

A Correct.

Q They can't get married and if they can't get married, they shouldn't be able to smoke then. Do you think cigarette smoking causes cancer?

A I don't know.

Q How much do you smoke or how many do you smoke I guess it would be?

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A I smoke about a pack a day.

Q And how long have you been doing that?

A Since I was twenty years old.

Q As we've determined that was twelve years?

A Uh-huh, that's correct.

Q Do you know today is the--I believe it's called the Great American Smoke-Out?

A Yes, I heard about it.

Q Do you disapprove of that?

A No.

Q Do you disapprove of the American Cancer Society's programs trying to discourage people from smoking?

A No.

Q Do you think they're good?

A I think they have their objectives, and they have their right to have programs against those objectives.

Q What do you think their objective is, Ms. Creighton?

A I'm not somebody who is well versed on the American Cancer ~~Association~~ Society. If you're asking what I assume is their goals, I guess that they are looking to reduce the incidence of smoking in this country.

Q Do you acknowledge that the American Cancer Society believes that there is a causal relationship between cigarette smoking and cancer?

A Again I don't really study what the American Cancer

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Society does. I'm not the right person for you to talk to about that. Are you asking for my personal opinion?

Q I don't know who else's you could give me.

A I believe that they think that smoking causes cancer.

Q Do you think they are misguided?

A Again I am not the right person to talk to about this; you should be talking to a scientist or someone who studies the materials.

Q You don't have an opinion about whether they're right or wrong?

A My opinion differs from theirs.

Q And unfortunately, what you do when you do that, Ms. Creighton, is my next question is, how does it differ?

A I don't believe that we know what causes cancer.

Q So if you were teaching in North Carolina, teaching French--

A Uh-huh.

Q --and one of your students would have asked you in 1980, do you believe that cigarette smoking causes cancer, your answer probably would be, I really don't know?

A Correct.

Q And that's still your answer now?

A Uh-huh.

Q Do you have an opinion that cigarette smoking might

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cause cancer?

A I believe and my personal opinion and again I'm not someone who studies it but my personal opinion is that I believe that there are trends that would suggest that smoking is a risk factor involved in lung cancer.

Q What does that mean, that it is a risk factor; what does that mean to you?

A What that means to me is that if there is a risk, ~~that then~~ it might be proven.

Q So in other words then your answer to me is, yes, you're of the opinion that cigarette smoking might cause cancer--not that it does--but that it might?

MR. KACZYNSKI: Object to the form of that.

THE WITNESS: My opinion is that there is a--as I understand it--a statistical association with smoking and lung cancer.

Q (By Mr. Cook) That people who smoke get lung cancer more than people who don't; is that what you understand? That's true; isn't it, Ms. Creighton?

A That people who--

Q Smoke.

A --smoke have a risk--

Q That isn't what I asked you. The statistical association--

A Uh-huh.

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Q --Ms. Creighton, is that smokers get lung cancer more than nonsmokers; you know that, don't you?

A Along with many other things that they do.

Q Right, but we were talking about these risk factors--

A Uh-huh.

Q --and as I understand it from talking to your scientists, they suggest that no one has established that smoking causes cancer. However, when you say there is a statistical risk factor, that factor--you understand it to be that people who smoke get various diseases more than people who don't for whatever reason. Isn't that what you understand?

A What I understand is that in studying population trends there is an association that exists numerically, statistically, with people who smoke and get lung cancer.

Q And you think based on that that people should make a decision as to whether to smoke or not when they're above the age of consent; is that right?

MR. KACZYNSKI: I object to the form; "age of consent" is a legal term.

MR. COOK: Eighteen years old.

THE WITNESS: I believe that a person should make the decision to smoke at the age of eighteen or older.

Q (By Mr. Cook) Do you think that when they make that

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decision that they should make it with the knowledge that the statistical risk factor exists?

A I believe that when they make that decision and as everybody knows, there is a risk factor associated with smoking and yes, they should take that risk factor into account.

Q Are you able to speak for everybody, Ms. Creighton?

A Everybody in this world?

Q Yes.

A No.

Q I'm just wondering why, and everybody says this when I take their deposition that "everybody knows." How do you know that everybody knows?

A I do not study what everybody knows.

Q I tell you what; we'll just see what you know.

A Okay.

Q What is the statistical risk factor in terms of how many people who contact lung cancer smoke as opposed to people who contact lung cancer who don't smoke; do you know what that statistical relationship is?

A I do not.

Q What do you think it is?

A I have really no idea.

Q Do you think that one out of two or more of people who contact lung cancer smoke?

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A I have no idea.

Q Would you like to know?

A It isn't necessary for me to know.

Q But if you were making a decision on what the risk factor is, wouldn't you have to know what it, in fact, was? I think you suggest everybody knows this, and you don't even know; do you?

A It's not necessary to know what the risk factor is numerically.

Q You don't think it's necessary to know what the risk factor is to make a decision as to whether or not you should smoke or not?

A The existence of the risk factor is what we're speaking about.

Q If the risk factor is very low as opposed to the risk factor being very high, don't you think that that should weigh in a decision that people make when they smoke, ma'am?

A I don't know; I'm not the right person to answer that decision. I don't study what people consider when they make that decision. I know that I believe that people are aware of the risk factor.

Q Do you think that the cigarette companies, your company, when people are going to make a decision as to whether or not to smoke your product or not, that your company should tell them what the risk factor is?

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MR. KACZYNSKI: Object to the form.

THE WITNESS: You're calling for a legal conclusion I think.

MR. COOK: No, ma'am.

THE WITNESS: I believe--you're asking for my personal opinion on whether a company--could you repeat the question for me?

MR. COOK: Yes, ma'am.

Q (By Mr. Cook) When I ask you something, I don't know unless you know what somebody else's opinion is--

A Uh-huh.

Q --but generally, you may presume that I'm asking you for your opinion, okay?

A Uh-huh.

Q And what I'm asking you is, do you think that the cigarette companies such as your own, that when people are going to make the decision whether or not they're going to smoke or not--this adult decision--don't you think that the cigarette companies should tell them what the risk factor is?

MR. KACZYNSKI: Object to the form again; go ahead and answer.

THE WITNESS: Okay, we place warnings on all of our cigarette packs and in our advertising and basically, we comply with all those laws; it's the law. Congress as I understand it has said that the warnings are adequate

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for any relationship between smoking and health.

Q (By Mr. Cook) So your opinion is that they should, and you do?

A My opinion is that we comply with the law that requires us to place--

Q Ms. Creighton, did I ask you if you complied with the law?

A No.

Q What I'm trying to find out is--you're a human being, and you're the Marketing Manager for Winston cigarettes. And I realize you're uncomfortable with these questions--

A Uh-huh.

Q --and that's precisely, of course, why I'm asking you them rather than somebody who has had a long time to consider what they think the appropriate answer is. I'm asking you that because you look like a nice person and so I want to find out what you think. For example, if you thought that cigarette smoking was addictive which I bet you don't--you don't think it's addictive; do you?

A I believe that people quit every day and my--

Q So your answer is you don't think it's addictive?

A I don't believe it's addictive.

Q If you thought it was addictive, I'm sure you would agree that at the very least cigarette companies should warn

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people that cigarette smoking is addictive?

MR. KACZYNSKI: Object to the form.

THE WITNESS: I believe that the warnings that we place on our packages and in our advertising are adequate.

Q (By Mr. Cook) Of course, Ms. Creighton, you don't place any warning on there about cigarette smoking being addictive; do you?

A The warnings do not contain that language.

Q Now what I asked you was to make an assumption--

A Uh-huh.

Q --and that is that cigarette smoking is addictive; you don't agree with that, and I understand that. If cigarette smoking was addictive and eighteen year olds who you thought were going to make a decision whether to smoke or not, you would want them to know that; wouldn't you--if it was addictive?

A You're asking me several things here. You're asking me to assume that it's addictive which again as you know I don't believe--

Q I'm not asking you--I'm asking you to have that assumption.

A Uh-huh.

Q Are you aware of the fact by the way when you're making that assumption that the Surgeon General's Report of

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the United States says that cigarette smoking is addictive?

A Yes, I am.

Q So all I'm asking you to assume is that the Surgeon General's Report in that regard is correct which shouldn't be that difficult even though you disagree with it. Now if they are addictive, you would agree, would you not, that when people are going to make the decision whether to smoke or not, they should know that; shouldn't they?

A First of all I believe that--I don't believe that cigarette smoking is addictive--

Q You've said that three times now.

A Okay, but I believe that there is widespread knowledge of the risk factors associated with smoking.

Q You've said that too. You've even said everybody knows it. Now my question, of course, is if cigarette smoking was addictive and eighteen year olds were going to make the decision whether to smoke or not, they should be informed of that; shouldn't they? I mean, that's not unreasonable, Ms. Creighton.

MR. KACZYNSKI: Object to the form; go ahead.

THE WITNESS: If it were addictive and--

MR. COOK: Which it's not.

THE WITNESS: --and I assumed that they didn't know that it was addictive which I don't know, you know--

Q (By Mr. Cook) Of course, they don't know--they

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hardly can know it's addictive if it isn't; can they?

A ~~Uh-huh, it would be~~ If I assumed it were, and they didn't know, it would seem to me to be prudent to tell them about it.

Q And that's the same thing if it caused--if cigarette smoking caused cancer, I guess people have the right to catch cancer if they want; they should know that, shouldn't they--if it caused it?

A It if had been proven that cigarette smoking caused cancer--I'm having a hard time.

Q I know you are.

A Could you repeat your question please?

Q Sure--if cigarette smoking caused cancer, and you have proven--let's assume because I said "if it caused it"--that people that started smoking should know that; shouldn't they?

A I think people who start smoking at the age of eighteen and older are aware of the risk factors.

Q Right, I didn't, of course, ask you that; did I?

A No, you didn't.

Q And you won't concede that one of the risk factors--you're getting in trouble here because you won't concede that one of the risk factors is that cigarette smoking causes cancer because you don't think that's proven; do you? You don't want to get in trouble here. I'm leading

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you down the path of righteousness right now. Do you understand?

MR. KACZYNSKI: Do you remember the question?

THE WITNESS: I don't fully recall the question.

MR. COOK: You were getting off the path, and I don't want you to get off too bad.

THE WITNESS: Okay.

Q (By Mr. Cook) We'll start with this posture.

A Uh-huh.

Q Fran Creighton does not believe that it's proven that cigarette smoking causes cancer; that's right?

A Correct.

Q Therefore, you don't think that one of the risk factors that people assume when they start smoking is that it is proven that cigarette smoking causes cancer because they shouldn't assume that; should they?

MR. KACZYNSKI: Object to the form; answer if you can.

THE WITNESS: It has not been proven that cigarette smoking causes cancer.

Q (By Mr. Cook) Right, so they don't assume a surety when they start smoking that cigarette smoking causes cancer right now; that's not one of the risk factors that they assume at this point, but they assume that it may, right?

MR. KACZYNSKI: I object to the form; you're asking

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her to speculate on what other people think.

MR. COOK: Well, she knows what everybody thinks and knows.

THE WITNESS: I do not.

Q (By Mr. Cook) Are you sure?

A I do not. I promise; I do not know what everybody thinks.

MR. KACZYNSKI: If she knew that she would be three questions ahead of you.

MR. COOK: I think maybe she is or else you are or Mr. Boyle; wake up, Dick.

MR. CRIST: He's still trying to find the right room.

Q (By Mr. Cook) Ms. Creighton, eighteen year olds right now, do you think that they know that cigarette smoking causes cancer?

A I don't believe that they know that for a fact.

Q So they don't assume that risk; do they? Do they acknowledge that cigarette smoking has been proven to cause cancer?

MR. KACZYNSKI: I object to the form--assumption of risks again and calling for a legal conclusion; you can go ahead and answer.

THE WITNESS: I don't know what people assume in their heads when they make the decision to smoke. When

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an eighteen year--old I believe from my personal experience that they assume that there is a risk factor associated with smoking.

Q (By Mr. Cook) You've said that.

A Uh-huh.

Q I'm just extending that; do they in your opinion assume a risk factor that smoking does cause cancer?

MR. KACZYNSKI: If you know.

THE WITNESS: I don't know.

MR. COOK: If you do that one more time--if you tell her "if you know," that implies to the witness that you're suggesting that she should answer she doesn't know. Obviously, if she doesn't know she can't answer it so you don't need to assist her in these things, and I object to that. If you do that anymore, we'll terminate the deposition.

MR. KACZYNSKI: I will object as I see fit.

MR. COOK: But if you tell her "if you know"--I mean, you must even recognize that if she doesn't know, she can't make an answer so your suggestion of "if you know" implies to her that it's more appropriate that she say she doesn't which by the way I would say for Ms. Creighton, she followed your instruction tremendously. If she does it one more time, then we'll have to have the Court rule on it but that's probably

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fine with you too.

MR. KACZYNSKI: Well, let me--

MR. COOK: I'm just advising you of that so that you'll know--so that you know--if you do it again, we'll terminate the deposition.

MR. KACZYNSKI: Well, let me finish what I started.

MR. COOK: Sure.

MR. KACZYNSKI: I will object as I see fit and will particularly object as I see fit to questions that call for her to speculate on what other people think which I believe is the line of questioning you're involved in. I've heard your admonition.

Q (By Mr. Cook) Ms. Creighton, I'm having some difficulty and perhaps it's in my questions. What I'm trying to do is that you have said to me that people when they're eighteen, and they choose to smoke, that you think that they're generally aware of the risk factors associated with smoking. Will you agree that that's your opinion?

A Correct.

Q One of the risk factors that exist with respect to smoking is not that it has been proven that smoking causes cancer in your opinion?

A One of the risk factors--

Q Is not--

A --is not--

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Q --that cigarette smoking has been proven to cause cancer--you don't think cigarette smoking has been proven to cause cancer; do you?

A Correct.

Q So it would have been very difficult for somebody to assume that risk in your opinion because you don't think it's accurate?

A It's my opinion that I don't.

Q That is the only opinion that I can ask. What I'm trying to see and understand--when eighteen year old adults start to smoke what you think as Brand Manager of Winstons is that first, they know generally the public awareness of the risks associated with smoking and then what things that you think that they probably don't know. If they assume, for example, that smoking has been proven to cause cancer, you would think that they have made an erroneous assumption; wouldn't you?

MR. KACZYNSKI: Object to the form.

THE WITNESS: I don't study the reasons why people start smoking cigarettes so I really don't know what their assumptions are. My opinion is that it has not been proven that smoking causes lung cancer.

Q (By Mr. Cook) So my question was, if they assume that it has been proven, in your opinion they're making an erroneous assumption? I mean, Ms. Creighton, it has to be

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that way. You don't think it's been proven and if they assume that it has, they've assumed something that you don't agree with. There's no other choice.

A Well, they have the right to make the assumption that they--

Q Everybody has the right to do whatever they want. If I assume something that you know or you think is wrong, you think I've made an erroneous assumption; don't you?

A I think you've made an assumption different from mine.

Q Right, and if you believe it's wrong, my assumption you think is erroneous. It may not be; I understand--

A It may not be. You've asked me as Brand Manager of Winston and as Brand Manager of Winston, I don't study the reasons why people start to smoke or what their assumptions are at that time. I literally don't know.

Q Right, but I haven't asked you what their assumptions are; I've asked you to assume--

A Uh-huh.

Q --that they have made an assumption--there's two of them now--that smoking has been proven to cause cancer. If they assume that in your opinion that is an erroneous assumption?

MR. KACZYNSKI: Object to the form.

THE WITNESS: You know, if they assume that it's an

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an assumption that is different from my own. That doesn't make it right or wrong. I can't say that their assumption is wrong. We don't know what causes cancer.

Q (By Mr. Cook) We do know that it has not been proven that smoking causes cancer; you know that, don't you?

A Uh-huh.

Q That was in the question. I've asked you to assume that it has been proven, that they assume that smoking has caused cancer is an erroneous assumption because smoking at least in your opinion because you don't think that has been proven--I think you're finding more mystery in my question than exists.

A I would disagree with their assumption if they made the assumption that smoking caused cancer.

Q What do you base your opinion on that smoking has not been proven to cause cancer?

A As long as I've ever--again I'm not a scientist so this is just my personal opinion, and I know we've made that clear--but, you know, my assumption that smoking has not been proven to cause cancer comes from--I feel like I've always known that.

Q You're aware of the fact that the Surgeon General of the United States has said that smoking does cause cancer or at least he's issued reports that say that; you're aware of that?

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A Yes, I'm aware of it.

Q And you, Fran Creighton, member of the Thundering Herd--that's better than the Fighting Illini that Mr. Boyle and I are--you think or you don't agree with what the Surgeon General says in that regard?

A I personally hold a different belief than the Surgeon General.

Q Now you are not a scientist as you've said.

A I'm not.

Q You would agree that the Surgeon General of the United States probably is or at least a physician?

A I'm sorry?

Q That the Surgeon General of the United States is probably a scientist or a physician?

A Uh-huh, yes.

Q Now you as a person have decided that he's wrong, and I want to know what you based your decision on since you're not a scientist. You obviously--you know, we're all the product of all the information we receive, and I understand that. I have seen publications by your company that says, you know, that we question the methodology in arriving at this decision. Is that where you've gotten this information--from your company, from the Tobacco Institute, from the Council for Tobacco Research, from areas like that--or is this just something that you've reached up and

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psshh--a priori knowledge?

MR. KACZYNSKI: Object to the form.

THE WITNESS: I agree with the company's position that it has not been proven.

Q (By Mr. Cook) Okay, that's where your information comes from and your position comes from; is that true?

A Not entirely.

Q Where else does it come from?

A My own personal experience that it's an unresolved issue.

Q And would that be based on things that you have read; I mean, you wouldn't be an expert in cancer I wouldn't think?

A I'm not an expert.

Q And have you ever, for example, talked to a physician who has told you that they question whether or not cancers are caused by cigarette smoke?

A I don't believe so.

Q Have you ever talked to a scientist who has told you that?

A Have I talked with a scientist who has told me that it's not proven?

Q Yes.

A We have scientists in the company that I've talked to.

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Q Who?

A Sam Simmons.

Q Pardon?

A Sam Simmons.

Q Sam Simmons?

A Uh-huh.

Q When have you had occasion to discuss this matter with him?

A I haven't discussed it one-on-one; there have been different occasions when Sam has talked to the Marketing Department about the issues.

Q The Surgeon General's Reports I assume are something that affect marketing; are they not?

A We comply with the law to place warnings on our packages and in our advertising.

Q I mean, when a report comes out--I'm not being accusatory here--I can see why Mr. Simmons would talk to you. You might have a seminar, and he will say, "There's a new report coming out and the company's position or at least my position as Sam Simmons, the Director of Smoking and Health," or whatever he is, "is that this is not proven, and you should be aware of that." I assume that that's kind of what happens is that you have seminars where scientists talk to marketing people about what is occurring in science; does that happen?

A Uh-huh.

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Q So that's what I'm trying to find out is the source of your knowledge. When you started with Reynolds--

A Uh-huh.

Q --there were Surgeon General's Reports at that time that were in existence that suggested a relationship, cause and effect relationship, between smoking and cigarettes. Were you aware of that when you started?

A That there were scientists--

Q That the Surgeon General had said that--

A That the Surgeon General had said that, yes.

Q You knew that?

A Uh-huh.

Q Now when you started at Reynolds, did you believe that the Surgeon General's Reports in that regard were questionable?

A I didn't really spend a lot of time thinking about it; I didn't believe that the issue was resolved.

Q You, of course, were living in what, Winston-Salem?

A Yes, I lived in Winston-Salem.

Q Winston-Salem kind of looks like--to somebody like me--like the principal industry there is probably Reynolds?

A It's one of the principal industries, yes.

Q It's the biggest employer; is there another big employer?

A There are several big employers.

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Q Who else?

A Hanes, Sara Lee, Baptist Hospital, Wake Forest University.

Q How many people are employed by Reynolds in Winston-Salem?

A I believe it's about ten thousand.

Q Did they name the town after the cigarettes or the cigarettes after the town?

A I don't really know; I believe the town existed before the cigarettes.

Q I suspect. So when you started--by the way what brand of cigarettes did you smoke when you went to work for RJR?

A I was smoking Vantage Menthol.

Q Have you ever smoked Kool?

A Never have--being in the business I may have tried a Kool to see what it tasted like, but I've never smoked it as my brand.

Q What was your first brand when you were twenty?

A When I was twenty my first brand of cigarettes was Benson & Hedges Menthol.

Q Was Benson & Hedges the one, "I'd rather fight than switch"; which one was that?

A A 100 millimeter cigarette.

Q Winston was, "It's what's up front that counts,"

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right? So you still use that slogan for Winstons?

A We don't use that slogan, no.

Q Are you familiar with it?

A I've heard it before.

Q Do you still use, "Winston tastes good like a cigarette should"?

A No.

Q Have you heard that before?

A Yes.

Q Are you aware of the fact that at one period of time that Winston had a large majority of the market share on filter cigarettes?

A Yes.

Q Why in your opinion has that deteriorated?

A Well, I was not in the company at the time that it had that large share. Our share is declining because--for many different reasons.

Q That's kind of interesting. I was going through these books yesterday and this is a real fulminating business, isn't it, that one day you're--that's life--one day you're on top and the next day--the market is quite volatile; isn't it?

A It's a very competitive industry.

Q Do you have much to do with the advertising with respect to Winstons? Do you like this line of questioning better than the other?

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A Uh-huh, yes--well, most recently, I've worked on the introduction of "The Wrap," and you may have seen some billboards around; that's concluding now, and we're going to start another new advertising project that we haven't gotten under way yet.

Q I'm going to read you a little bit from the Surgeon General's Reports made in 1989 which is marked Simmons Deposition Exhibit No. 1; that's Mr. Simmons that you referred to before.

A Uh-huh.

Q Have you read the Surgeon General's Report?

A Not in its entirety.

Q Have you read it at all?

A I've seen excerpts of it on T.V. and in the press.

Q Have you seen responses that were made by your company that are published in the various company newspapers and "Caravans" and management bulletins and things like that?

A I don't recall any particular response, no.

Q I'm going to read to you from page 5 and ask you whether or not you know this or whether you think this is true or not. "Smoking is responsible for an estimated 30 percent of all cancer deaths including 87 percent of lung cancer, the leading cause of cancer mortality." Were you aware that the Surgeon General had said that?

A No.

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Q Do you find that figure startling, 87 percent of all lung cancer is caused by smoking?

A I don't know where the figures come from or how they came about.

Q They may be right, and they may be wrong?

A Right.

Q I was just asking you to comment on the figure itself; do you find it startling or is this what you would expect the percentage of lung cancer that is related to smoking to be?

A I don't study these kinds of numbers; I don't have a reaction that says that it would be what I would expect or not what I expect. I assume that's his conclusion.

Q I understand that.

A Uh-huh.

Q But, of course, when people are making decisions to smoke--

A Uh-huh.

Q --they should know about the risk factors; shouldn't they?

A I think they do know about the risk factors.

Q If this is the risk factor, you think people know it?

A I can't make that conclusion. I don't have any idea what people know; I don't know that they necessarily know

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that.

Q I mean, you hand me something on one hand, and you take it back with the other. You had two phrases; you said, "You think they know" and then you said, "You think they don't know." If this is the risk factor, in other words 87 percent of all lung cancer is caused by cigarette smoking, if that is the risk factor, people should know that; shouldn't they? If it is--if it's not, that's fine.

A That's the conclusion of the Surgeon General.

Q True, and when kids make a decision to smoke, they should know about this; shouldn't they?

A I disagree; you're asking me to agree with the numbers and--

Q No, I'm not.

A No?

Q I'm not asking you to agree with the numbers; I just said that the numbers exist, and they may be right or they might be wrong. If that is the risk factor--it may not be--they should know about it; shouldn't they? I mean, I'm not suggesting to you that it's right; I'm just suggesting to you that it's the figure the Surgeon General says exists but it may be wrong. How can you make an intelligent decision to risk your life if you don't know what the risk factor is? You should know it; shouldn't you?

A I believe that people do know that there are a

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number of risk factors associated. I'm not sure that they know the numbers.

Q I'm going to read to you from page 11, paragraph 5, the major conclusions. "Smoking is responsible for more than one of every six deaths in the United States." Did you know that the Surgeon General said that?

A Not those exact numbers.

Q Is that a startling figure to you, that one out of six people who die, that the responsibility is from your industry, ma'am?

MR. KACZYNSKI: Object to the form.

THE WITNESS: I've heard big numbers before.

Q (By Mr. Cook) Big numbers don't bother you?

A I don't study this issue; I don't get involved in it, and I can't--I shouldn't be the one that's talking about it to you.

Q You're a human being, ma'am?

A Yes.

Q And you were a teacher?

A Uh-huh.

Q And I'm trying to find out because just like you--everybody says, "Why, everybody knows what risks they're going to assume when they start to smoke--all of these intelligent young eighteen year olds." And I'm trying to find out if you know these things because these are the risks; these are the

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risk factors you're talking about. Getting lung cancer from smoking, that's one of the risk factors; isn't it?

A There's a risk factor associated with smoking--lung cancer.

Q But the likelihood of having the disease, of course, should be a consideration when you're making the decision, right?

A The fact that the risk factor exists is what is--

Q There's a risk factor every time we walk in the rain, is there not, that we might be struck by lightning?

A I assume.

Q Do you assume that it's real high or real low?

A I assume--I don't know anything about lightning--

Q Haven't you ever seen it, ma'am?

A Yes.

Q All right, you've heard about people being struck by lightning?

A Yes.

Q I think that probably the only thing that happens more irregularly than that is winning the Illinois State Lottery; your chances of being struck by lightning are more than winning the lottery in Illinois.

A Is that right?

Q When you walk in the rain, do you assume that you might be struck by lightning?

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A Not necessarily.

Q You think that the risk is extremely remote; don't you?

A I know it's there; I don't think about it.

Q Do you play golf?

A Yes, I do.

Q All right, you know that on golf courses that the risk factor of being struck by lightning is higher; don't you?

A I know that when I play golf and it starts lightning, I find shelter.

Q Because the golf club may act as a lightning rod; you're aware of that, aren't you?

A That's right.

Q So you increase the risk factor?

A Uh-huh.

Q And based on that you make a decision about whether or not you're going to walk in the rain or whether or not you're going to play golf in the rain; don't you?

A Uh-huh.

Q And that's how human beings make decisions--well, there are risks associated with almost everything I guess--even drinking beer I heard.

A Even.

Q I don't believe that.

MR. KACZYNSKI: Which, of course, reminds us of

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another industry in Winston-Salem--we did tell you about the brewery.

THE WITNESS: Oh, Stroh's--

MR. COOK: Stroh's, right--well, I think that's honorable. I don't think there's anything dishonorable about selling cigarettes; I want you to understand. I just want to question you about the knowledge that people should have when they make the decision whether or not they want to corrupt their body with too much food, too much beer or too many cigarettes. I think that you would agree like in lightning that whatever the risk is, they generally should be informed of it--how likely it is that they're going to attract a disease if they smoke.

THE WITNESS: When I'm on the golf course and it starts raining and it starts lightning, I make a decision to either stay on the golf course or to go find shelter. I don't know necessarily what the likelihood is of my being struck by lightning. The existence of that risk factor is the reason why I go find shelter in many cases. I think it's a similar thing when it comes to the personal choice to smoke. A person's awareness of a risk factor is involved in that decision.

Q (By Mr. Cook) But if it's extremely remote, they may make one decision and if it is very likely, they may make another. You have to agree with that; don't you?

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A And I believe that--and I don't study what people know, whether they think it's remote or not--I believe that they believe it is a risk factor.

Q Well, do you think that it is remote or not remote when you smoke that you're going to get lung cancer?

A I make the decision to smoke for many different reasons and that's one of them.

Q I didn't ask you that. I asked you--do you think you're going to get lung cancer from smoking?

A I hope not.

Q You think you may though; don't you?

A I don't know.

Q Well, "may" is a term that I assume includes "do not know." Do you think that you are not going to get cancer from smoking?

A I don't know.

Q Would you like to know if you smoke for thirty years one pack of cigarettes a day what the likelihood of your getting lung cancer will be; would you like to know that?

A If--there are many things I might like to know in my life that, you know, where will I be in thirty years, what kind of life I will have, you know--

Q I assume that you're about half done with that thirty years already?

A Uh-huh.

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Q You're probably going to be around if you're lucky fifteen years from now--this says that you're thirty-five by the way--

A Oh, keep going.

Q I had you thirty-two earlier--would you be interested in knowing what the likelihood is if you smoke a pack a day, and you smoke for thirty pack years which is--you can smoke for thirty pack years by the way faster than thirty years by smoking a pack and a half a day for twenty--but if you smoke for thirty pack years, would you like to know--would you be interested in knowing how likely it is that you're going to get lung cancer?

A No.

Q No?

A It depends ~~DO~~ OR whether somebody could tell me that; whether I would believe it or not, I don't know.

Q I really didn't ask you whether you were going to believe it or not--

A Yes.

Q I asked you whether you would be interested in knowing?

A If it were possible for that prediction or that future to be told, sure, I would listen.

Q You would be interested?

A I would be interested in knowing.

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Q I mean, if the chances were 100 percent that you were going to get lung cancer if you smoked for thirty years, you'd want to know that; wouldn't you?

A That suggests that it's proven that cigarette smoking causes cancer.

Q Again you've got to let me ask the questions--

A Okay.

Q --and it isn't necessary that you fight on this. If, if--that's an assumption when I start it with "if"--

A Uh-huh.

Q If it were proven that you would get cancer 100 percent of the time if you smoked a pack a day for thirty years, you would want to know that; wouldn't you?

A Yes.

Q You'd quit smoking; wouldn't you?

A I don't know; I'd make the decision based on that information.

Q You might risk the cancer anyway; you might find cancer being--smoking enjoyable enough that you would accept a certitude of a cancer death; that's possible?

MR. KACZYNSKI: Object to the form.

THE WITNESS: I would have to be--you know, you're asking me many difficult things--I'd have to be--

Q (By Mr. Cook) It's a difficult decision, isn't it, to make up your mind whether you're going to smoke or not?

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Q It's a complex decision, and I'd have to be convinced of that certitude.

Q Shouldn't people be aware of what the likelihood of gaining a disease from smoking is before or when they make the decision to smoke?

A People are aware--

Q Then your answer is yes?

A --of the possibility.

Q Ma'am, you've got to let me ask the questions, and you've got to answer the ones I ask rather than the ones that are acceptable for R. J. Reynolds. Don't you agree that when people, children, eighteen year old children--do you think it's fair to call an eighteen year old a child?

A I consider an eighteen year old to be an adult.

Q You don't have children?

A No.

Q I have eighteen year old children; let me assure you that they're not. Some fifty year olds aren't either but don't you agree that people when they make the decision to smoke, that they should be aware of what the risk of getting a disease from smoking is? Now I know because you said that you think they are aware so then your answer to my question is, yes, they should. I'm not asking you what they are aware of; I'm asking you, don't you think they should know this?

MR. KACZYNSKI: Object to the form.

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Q (By Mr. Cook) And your answer is, yes, I think they should and yes, I think they do.

MR. KACZYNSKI: Object to the form.

Q (By Mr. Cook) Is that your answer?

A My answer is that they are and so--

Q I didn't ask you, ma'am, if they are; I asked you if they should know it. See, you don't know what they're aware of, but you do know what they should be aware of; and you hope that they are aware of it, don't you? What I'm asking is, should they be aware of it; I think that's a fair question and that you should be able to respond to it directly.

MR. KACZYNSKI: Object to the form.

THE WITNESS: I prefer that an adult of the age of eighteen or over make an informed decision to smoke, and I assume by saying "informed," that people are aware of the risk factors of smoking.

Q (By Mr. Cook) And that would include the likelihood of being infected with a disease from smoking; would it not?

A That would include the risk of being--of having disease.

Q Now if there is a risk of being addicted, would you agree that they should know that? I know you said that you don't think they do. Remember I started it with "if." You don't concede by any answer that they are addicted. I'm just saying "if" there is a risk of being addicted to cigarettes,

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should people when they make the decision to smoke be aware of that?

A I think the term "addicted" is a misused term, you know. I believe that people are aware that people quit smoking every single day.

Q Ma'am, is there some reason why you can't answer my questions?

A Okay, repeat the question.

Q All right, the question is, if there is a risk of being addicted to cigarette smoking, do you agree that people when they're making the decision to start should be aware that there is a risk of being addicted? I understand you don't think people are addicted to smoking.

MR. KACZYNSKI: Object to the form.

THE WITNESS: You're asking me to assume if there was a risk that cigarettes were addictive--

MR. COOK: Sure.

THE WITNESS: You know that I don't think they are.

MR. COOK: I know that; you've told me that fifteen times.

THE WITNESS: Yes, and--

MR. COOK: I even put it in my question that you knew it. You don't have to be afraid of simple questions. These are questions--have you stopped beating your wife type questions, and they only have one

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answer and there's no reason for you to continue to--
of course, you agree as a human being that if cigarette smoking is addictive, then people should know it before they start smoking. You agree with that.

MR. KACZYNSKI: Object to the form.

MR. COOK: You don't agree it's addictive.

THE WITNESS: If people did not know that it was addictive to smoke--

MR. COOK: They should know.

THE WITNESS: Right.

Q (By Mr. Cook) It's just like anything that is harmful for you, you agree that--there was a period of time when you weren't old enough when people thought cocaine was not addictive; are you aware of that?

A No, I wasn't.

Q There was; there was a period of time when people suggested cocaine is not addictive, but you think that children should know that cocaine is bad for them, don't you?

A Yes.

Q And you think--

A Cocaine is illegal; they should be told.

Q Well, a lot of things are illegal but aren't bad for you; isn't that true?

A I haven't really thought about it but--

Q Maybe?

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A Maybe.

Q Do you think--I mean, if it's illegal, that means they won't use it, right? Is that enough just by making cocaine illegal that it will prevent children from using the drug?

A It's against the law to use it but certainly, there are people who break the law.

Q And would you agree that in our schools and in our neighborhoods that we need in addition to making cocaine use illegal, we need to tell them and say, "Hey, this stuff will kill you"; we need to tell them that, don't we?

A I think we do.

Q I know.

A I think we should.

Q And when we do--but what I always asked you is that we should; shouldn't we?

A Yes.

Q We do and if we didn't, we should anyway, right?

A Yes.

Q And the fact that people can become addicted to--in other words if you go to a nice room like this, and they put out a tray of cocaine for us to snort, we should know better than accept that euphoria because we may become addicted to it. Don't you think that people should know that it is addictive?

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A I think people should know it's illegal to use cocaine so in the first place, they shouldn't break the law.

Q That's right and then not only should they know it's illegal, but they should know why it's illegal and why it's bad for them; shouldn't they?

A I think our society has determined that cocaine is bad for you and that they should know.

Q Now do you think people are addicted to alcohol use?

A I'm not a person who studies addiction; I don't know much about alcohol use, but I believe some people are addicted to alcohol.

Q Do you think other people can use alcohol without being addicted?

A Yes.

Q Do you object to people using alcohol?

A I personally do not object.

Q Do you use alcohol?

A Yes.

Q Moderately?

A Yes.

Q Do you enjoy a glass of wine with dinner?

A That's right.

Q Mr. Nester enjoys a bottle.

A I lived in France for a year.

Q The better wines are from California.

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A Or France.

Q Pardon?

A Or France.

Q Do you know Yancey Ford?

A Yes.

Q What does Yancey do?

A He's the--Yancey is the head of our Sales Department.

Q Do you have anything to do with him in the corporate structure; are you--

A I report through Marketing and so I don't; I don't report through to Yancey Ford, no.

Q He's in Sales; he would obviously have something to do with Winstons it would seem to me?

A Marketing and Sales work together in the effort to sell Winstons if that's what your question is, yes.

Q The Brand Manager though doesn't have anything to do with the Sales Vice President?

A As Brand Manager I tell Yancey Ford things that are going on in my area so that he's aware of them. There are things that his sales force potentially would put into stores for Winston so I inform him of our activities.

Q When I've read some of this material, I've become confused because I think Marketing and Sales are the same thing; but they're different?

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A They're different departments.

Q How do they differ in what you do?

A In Marketing we are developing advertising campaigns, packaging ideas, promotion ideas; we develop those things--anything that is a message to smokers about our brands. And in the Sales Department, they generally place those pieces of advertising and promotion into retail stores.

Q Do you deal with people in--do you have regional people who work with your brand who interface with you? For example, we're from--Mr. Boyle doesn't want to be associated with me--but Mr. Nester and I are from the metropolitan of St. Louis. Do you have somebody in Marketing in metropolitan St. Louis?

A I don't believe we have anybody in St. Louis, no. Our sales force is in St. Louis, regional sales.

Q So if I wanted to know the name of Winston's person in St. Louis--is the sales force in St. Louis, would it only--would you have someone who was dedicated to Winstons or would you have somebody who is dedicated to RJR?

A RJR.

Q And if I wanted to find out who that was, I should ask Yancey?

A You should ask Yancey.

Q Yancey is probably--is Yancey a nice man?

A He's a nice guy.

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Q Do you think he would like all these questions?
A I'm sure.
Q Okay, I'll ask him, and I tell him you told me--
A No.
Q Who is your boss?
A Lynn Beasley.
Q Who is her boss?
A Dave Iauco.
Q Who is his boss?
A Jim Schroer.
Q What's Mr. Schroer's title?
A He's Executive Vice President of Sales and Marketing.
Q So he would be Yancey Ford's boss?
A Correct.
Q Who is the person that you know that is in management who has been with RJR the longest?
A Dave Iauco.
Q Do you know anybody who has been with RJR since 1964?
A I honestly don't.
Q You don't think they all died from lung cancer; do you?
A I honestly don't.
Q Do you have a stock option program at your level at

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RJR?

A Yes.

Q And is that stock in Reynolds Tobacco Company or in RJR Nabisco?

A I believe it's common stock for RJR Nabisco.

Q How do you participate in that?

A This was a special program offering a certain number of stock options for purchase at a particular fixed price at a point in time to be held.

Q What price was that?

A About $5.00.

Q It's at nine and seven eighths now; I saw that on television last night.

A Good.

MR. KACZYNSKI: That's the first good news you've had in the whole deposition, right?

MR. COOK: Oh, no, you're supposed to like me.

THE WITNESS: Okay, come right on over.

MR. KACZYNSKI: It just means she will never get on the Supreme Court.

MR. COOK: It means you might. Clarence--Jesus Christ--you know, Allen Dixon who is the United States Senator from Illinois is a neighbor of ours; he lives within a half mile of Mr. Boyle and I.

MR. KACZYNSKI: In Washington he lived in a building

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of a friend of mine from the Army; he was a neighbor there too.

MR. COOK: My wife has known he and his wife for thirty years, and she's not going to vote for him.

THE WITNESS: Are you?

MR. COOK: Pardon?

THE WITNESS: Are you?

MR. COOK: Probably, as a matter of fact, I even agreed to have a fund raiser at my house, and I told her; and she told me I can't have it there. I've been married to her for a long time. I like her better than I like him. He's in trouble when people like Sandra are against him for that. He has a significant problem. He's got two challengers. One is a lawyer from Chicago, Al Holyfield, who is quite wealthy and Jewish. Al has announced--

MR. KACZYNSKI: Is this the primary we're talking about?

MR. COOK: The primary--it's the only way he can be beat because he is a Democrat with a small "R," and he can't compete in the general election. He's not from Chicago anyway. He may very well get beaten be that as it may. Then you can be the senior senator from Illinois. He should have voted against Thomas.

Q (By Mr. Cook) How long have you been Brand Manager,

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Ms. Creighton? Do you know Don Creighton?

A Don Creighton, no.

Q He's a Ph.D. in mechanical and aerospace engineering at the University of Missouri.

Q He frequently testifies.

A Is that right?

Q He's a scientist. How long have you been Brand Manager, ma'am?

A I've been Brand Manager of Winston since February; I've been--

Q Were you Brand Manager of some other brand before that?

A Magna, the year before.

Q What is the market share of Winstons?

A It's about--roughly 8.5 percent.

Q And I believe I understand that your principal competitor is Marlboro?

A That's one of our large competitors, yes.

Q Did you hear about that the Marlboro man is dying from cancer? They just had it on television; you didn't see it?

A I didn't see it.

Q He's the guy that's caused you all the trouble.

A Uh-huh.

Q Is your market share for Winstons increasing or

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decreasing?

A Overall it's--declining overall.

Q What about Magna; what is Magna's market share?

A It's probably close to a share point.

Q Was that increasing or decreasing?

A I really--I don't know now.

Q How did you do when you were there?

A How did we do; we stayed about the same.

Q That's a reduced price cigarette, Magna?

A Uh-huh.

MR. COOK: You don't want me to read you anymore of that book; do you? For $23.00 you can write the United States Government, and they'll send you a copy of it; and you can find out how likely it is that you could get lung cancer if you want to. Thank you.

(END OF THE EXAMINATION AT 10:25 A.M.)

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CERTIFICATION

I, Sandra Harper, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify:

That there appeared before me the foregoing witness at the time and place herein aforementioned;

That the said witness was sworn by me to state the truth, the whole truth and nothing but the truth in said case;

That the testimony was taken before me by stenomask and thereafter reduced to typewriting under my supervision, and the foregoing sixty (60) pages contain a full, true and correct record of all the testimony given by said witness;

That the undersigned is not of kin, nor in any wise associated with any of the parties to said cause of action, nor their counsel, and that I am not interested in the event thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of November, 1991.

Sandra Harper

Notary Public and Court Reporter

OFFICIAL SEAL
SANDRA HARPER
NOTARY PUBLIC—NORTH CAROLINA
COUNTY OF FORSYTH
My Commission Expires September 19, 1995

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WITNESS CERTIFICATION

I, FRANCES V. CREIGHTON, do hereby certify:

That I have read and examined the contents of the foregoing pages of testimony as given by me at the time and place herein aforementioned;

And that to the best of my knowledge and belief, the foregoing pages of testimony are a complete and accurate record of all the testimony given by me, except for the changes and/or corrections (if any) on the attached errata sheet.

Changes and/or corrections have X, have not _____, been made on the attached errata sheet.

Frances V. Creighton

(FRANCES V. CREIGHTON)

I, Lourdes Berube, Notary Public for the County of Forsyth, State of Florida do hereby certify:

That Frances V. Creighton personally appeared before me this the 20th day of December, 19 91;

And I personally witnessed the execution of this document for the intents and purposes herein above described.

My Commission Expires:

Lourdes Berube

Lourdes Berube
Notary Public

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LOURDES BERUBE
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FORSYTH
My Commission Expires January 19, 1993

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WITNESS ERRATA SHEET

Upon review of the transcription of my testimony, the following changes and/or corrections should be made to my deposition:

PAGE	LINE	REASON FOR CHANGE
6	9	Change "Crist" to "Kaczynski"
8	20	Change "Uh-huh." to "It was a subsidiary of R.J. Reynolds Industries, Inc. when I started."
11	14	Change "to people who are" to "in publications whose readership is primarily"
11	15	Add "students on" after "majority of"
12	20	Change "teenagers" to "anyone under 18."
14	19	Change "Association." to "Society."
16	9	Change "then" to "that"
24	2	Delete "uh-huh, it would be -"
46	15	Change "no" to "on"

Frances V. Creighton

(FRANCES V. CREIGHTON)

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From Creighton
~~(EDWARD M. BLACKMER)~~

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